

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,	:	
	:	
Government,	:	16 CR. 177 (RMB)
	:	
- against -	:	<b><u>DECISION &amp; ORDER</u></b>
	:	
JEFFREY CASIANO,	:	
	:	
Defendant.	:	
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Having reviewed the record herein, and written and oral submissions of counsel and the Probation Department (including submissions dated May 1, 2023; March 30, 2023; and March 31, 2023), the Court determines that the end date of defendant Casiano's supervised release is March 21, 2024.<sup>1</sup>

The commencement date of Casiano's three-year term of federal supervision was March 29, 2019. The Government calculates that, as of today, approximately 177 days of supervised release remains, *i.e.*, until March 21, 2024. (*See* Gov't Br., dated May 1, 2023, at 5.) The defense, on the other hand, calculates that there are few if any days of supervised release remaining, *i.e.*, until September 27, 2023. (*See* Def. Br., dated Mar. 30, 2023, at 1.) These two calculations reflect honestly held but differing interpretations of Casiano's October 17, 2022 sentencing in the Superior Court of New Jersey in Essex County, where Casiano—while on Federal supervision—was sentenced to “time served” for endangering the welfare of

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<sup>1</sup> Alternatively, the Court would pursue extension of supervision to March 21, 2024 pursuant to 18 U.S.C. § 3583(e)(2). *See* 18 U.S.C. § 3583(e)(2).

On April 22, 2022, Casiano had plead guilty to endangering the welfare of a child in the third degree in the Superior Court of New Jersey in Essex County.

a child in the third degree.<sup>2</sup> *See* Judgement of Conviction, *State of New Jersey v. Jeffrey Casiano*, ESX-20-008399 (N.J. Super. Essex Cnty.).

The Government contends that Casiano’s New Jersey (“time-served”) sentence was 724 days of incarceration, commencing on October 23, 2020 (the date of Casiano’s New Jersey arrest) and ending on October 17, 2022 (the date of Casiano’s New Jersey sentencing). (Gov’t Br., dated Mar. 31, 2023, at 1); *see also* *State of New Jersey v. Jeffrey Casiano* Tr., dated Oct. 17, 2022, at 7:1–9:6. AUSA Lisa Daniels argues persuasively “The state proceedings [] goes through a very lengthy back and forth in which the court and the parties all agree that the amount of time that the defendant has served was 724 days.” (Hr’g dated Sept. 21, 2023, at 7:11–15.) While the defense agrees that Casiano’s time-served sentence in New Jersey state court began on October 23, 2020, it contends the New Jersey Superior Court intended that Casiano’s time-served sentence would conclude on April 22, 2022—as opposed to October 17, 2022. (Def. Br. dated May 1, 2023 at 2.) The defense argues that Casiano’s incarceration between April 22, 2022 and October 17, 2022 should be credited towards his Federal term of supervised release. *See* 18 U.S.C. 3624(e); (*see also* Def. Br., dated May 1, 2023, at 2 (“Although the judgment may be silent on this issue, the New Jersey Court clearly intended for Mr. Casiano to begin receiving time on his federal violation from the date he pled guilty: April 22, 2022.”).)

### **Conclusion & Order**

The Court accepts the Government’s position—which is joined in by the S.D.N.Y. Probation Department—that the New Jersey state court imposed a sentence of 724 days of

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<sup>2</sup> “A term of supervised release does not run during any period in which the person is imprisoned in connection with a conviction for a Federal, State, or local crime unless the imprisonment is for a period of less than 30 consecutive days.” 18 U.S.C. § 3624(e).

state imprisonment. (Gov't Br., dated May 1, 2023, at 2.) The Court concludes that Casiano's supervised release should end on March 21, 2024.

At the same time, the Court acknowledges the positive steps Casiano has taken recently toward a successful re-entry into the community. The Court looks forward to participating in and supporting Casiano's supervision.

Dated: September 26, 2023  
New York, NY

  
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RICHARD M. BERMAN  
U.S.D.J.